

ORIGINAL

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION and

THE PEOPLE OF THE STATE OF NEW YORK, by LETITIA JAMES, Attorney General of the State of New York,

Plaintiffs,

v.

QUINCY BIOSCIENCE HOLDING COMPANY, INC., a corporation;

QUINCY BIOSCIENCE, LLC, a limited liability company;

PREVAGEN, INC., a corporation d/b/a/ SUGAR RIVER SUPPLEMENTS;

QUINCY BIOSCIENCE MANUFACTURING, LLC, a limited liability company; and

MARK UNDERWOOD, individually and as an officer of QUINCY BIOSCIENCE HOLDING COMPANY, INC., QUINCY BIOSCIENCE, LLC, and PREVAGEN, INC.,

Defendants.

Case No. 1:17-cv-00124-LLS

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PROPOSED STIPULATED ORDER TO EXTEND THE DEADLINE FOR RULE 30(b)(6) DEPOSITIONS OF PLAINTIFFS

LCS

WHEREAS Plaintiffs Federal Trade Commission and the People of the State of New York by Letitia James, Attorney General of the State of New York (“Plaintiffs”) and Defendants Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, Prevagen Inc., Quincy Bioscience Manufacturing, LLC, and Mark Underwood (collectively, “Defendants”) (Plaintiffs and Defendants, collectively, “Parties”) have met and conferred regarding the deadlines in the

Stipulated Order Allowing Remote Depositions and Revising Fact Discovery Schedule (ECF No. 110) (the “Scheduling Order”);

WHEREAS the Scheduling Order provides that all fact witness depositions will be completed by September 30, 2020;

WHEREAS on August 21, 2020, Defendants served Plaintiffs with Defendants’ proposed Rule 30(b)(6) topics for depositions of their Rule 30(b)(6) designees;

WHEREAS on September 2, 2020, the Parties held an initial meet-and-confer session with respect to the proposed Rule 30(b)(6) deposition topics;

WHEREAS Defendants requested at the September 2, 2020 meet and confer that Plaintiffs present their concerns about the permissibility and scope of the proposed Rule 30(b)(6) depositions in writing, which Plaintiffs provided by letter on September 9, 2020;

WHEREAS on September 8, 2020, Defendants served Notices of Depositions pursuant to Rule 30(b)(6) upon Plaintiffs;

WHEREAS Plaintiffs have represented that they are unable to proceed with depositions on the noticed dates of September 22 and 24, 2020;

WHEREAS the parties are continuing to meet-and-confer with respect to the permissibility and scope of the noticed topics; and

WHEREAS there have been three prior extensions of various case deadlines in this matter, which this Court has granted in Orders dated March 6, 2017 (to allow Defendants to file a Motion to Dismiss), on March 20, 2020 (to allow Defendants to complete document production), and on June 8, 2020 (to provide for conducting depositions remotely in light of the COVID-19 pandemic).

IT IS HEREBY STIPULATED AND AGREED between and among the Parties, by and through their undersigned counsel, as follows:

1. **Rule 30(b)(6)Depositions:** The deadline for Defendants to complete any Rule 30(b)(6) depositions of Plaintiffs shall be extended from September 30, 2020 up to and including October 30, 2020. No additional discovery shall be served between October 1, 2020 and October 30, 2020 except for discovery that arises out of any Rule 30(b)(6) depositions of Plaintiffs and/or the negotiations regarding the Rule 30(b)(6) notices.

2. **Status Conference:** The Status Conference currently set for October 16, 2020 at 2:30 p.m. is adjourned to November 9, 2020 at 3 p.m. LLS

SO STIPULATED:

Dated: New York, New York
September 16, 2020

FEDERAL TRADE COMMISSION

/s/Michelle Rusk
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SO ORDERED, this 17th day of
September, 2020,

Louis L. Stanton
LOUIS STANTON
UNITED STATES DISTRICT JUDGE